

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD J. KESTER,)
Plaintiff,)
vs.) Civil Action No. 08-516
WARDEN RICHARD GIGLIOTTI, Butler) Magistrate Judge Amy Reynolds Hay
County Prison; WARDEN CHARLES H.)
ADAMO, Lawrence County Corrections,)
Defendants.)

ORDER

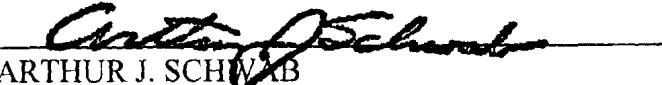
AND NOW, this 17th day of September, 2008, after the Plaintiff,

Donald J. Kester, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until September 12, 2008 to file written objections thereto, and no objections having been filed to the report and recommendation, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the complaint in the above-captioned case [Dkt. 3] is dismissed for failure to prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.


ARTHUR J. SCHWAB
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Donald J. Kester
Butler County Jail
121 West Vagely Street
Butler, PA 16001